

1 Ryan Gile, Esq.  
Nevada Bar No. 8807  
2 rgile@weidemiller.com  
F. Christopher Austin, Esq.  
3 Nevada Bar No. 6559  
4 caustin@weidemiller.com  
**WEIDE & MILLER, LTD.**  
7251 W. Lake Mead Blvd., Suite 530  
5 Las Vegas, Nevada 89128-8373  
Tel. (702) 382-4804  
6 Fax (702) 382-4805

7 Attorneys for Plaintiff

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF NEVADA**

10 THE HACKETT MILLER COMPANY, INC.,  
11 a Nevada Corporation,

12 Plaintiff,

13 vs.

14 GFOUR PRODUCTIONS, LLC, a Florida  
15 limited liability company; and SPOTLIGHT  
RIGHTS, LLC, a Florida limited liability  
16 company,

17 Defendants.

**Case No.: 2:16-cv-00418**

**PLAINTIFF'S EX-PARTE MOTION TO  
EXTEND TIME FOR SERVICE OF  
COMPLAINT AND SUMMONS BY 30  
DAYS**

**(FIRST REQUEST)**

18 Plaintiff The Hackett Miller Company, Inc., by and through its attorneys, Weide &  
19 Miller, Ltd., files this ex-parte motion to extend the time for service of the summons and  
20 complaint in this action on the Defendants by 30 days to June 30, 2016.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 This Motion is based upon Fed R. Civ. P. 4(m), LR 6-2, LR 7-5, the following  
2 Memorandum of Points and Authorities, the Declaration of Ryan Gile (“Gile Decl.”) attached  
3 hereto as Exhibit A, the additional exhibits attached hereto, the papers and pleadings on file  
4 herein, and any argument this Court may entertain at the time of a hearing, if any, on this matter.

5 Dated this 31<sup>st</sup> day of May, 2016.

6 Respectfully Submitted,

7 **WEIDE & MILLER, LTD.**

8 /s/ Ryan Gile

9 Ryan Gile, Esq.

10 *rgile@weidemiller.com*

11 F. Christopher Austin, Esq.

12 *caustin@weidemiller.com*

13 7251 W. Lake Mead Blvd., Suite 530

14 Las Vegas, NV 89128

15 Tel. (702) 382-4804

16 Fax (702) 382-4805

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 Pursuant to LR 7-5, this motion is being submitted ex parte as no other parties have  
19 appeared in this action. Plaintiff’s original complaint in this matter was filed February 29,  
20 2016. *See* Doc. #1. Calculated from that date, the 90 days in which to effectuate service of  
21 process under Fed. R. Civ. P. 4(m) will run on May 31, 2016. Plaintiff, through this motion,  
22 requests that the time for service of the Complaint and Summonses be extended up to and  
23 including June 30, 2016.

24 Under Fed. R. Civ. P. 4(m), “[i]f a defendant is not served within 90 days after the  
25 complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss  
26 the action without prejudice against that defendant or order that service be made within a  
27 specified time. But if the plaintiff shows good cause for the failure, the court must extend the  
28 time for service for an appropriate period.”

As described herein, Plaintiff believes that there is good cause for Plaintiff’s failure to  
serve the Complaint and Summonses within the time specified by Fed. R. Civ. P. 4(m). In this  
case, following the filing of this Complaint, the parties, through counsel, exchanged

1 correspondence relative to a potential settlement. Gile Decl., ¶2. In addition, subsequent to  
2 the filing of this Complaint, but prior to attempted service, Plaintiff's plans to open the intended  
3 theatrical production which is the subject matter of the Complaint were postponed and it was  
4 not certain until recently whether or not Plaintiff would move forward with the intended  
5 theatrical production and thus whether the declaratory relief sought in the Complaint would be  
6 necessary. Gile Decl., ¶2. Following the cessation of settlement efforts and Plaintiff's recent  
7 decision to move forward with the intended theatrical production after all, Plaintiff began taking  
8 steps to serve the Complaint on the Defendants so that the threats of infringement raised in the  
9 Complaint as a result of Plaintiff's theatrical production can be resolved by this Court. Gile  
10 Decl., ¶3.

11 At the time of the filing of the Complaint, Plaintiff named in the summons for Defendant  
12 GFour Productions LLC the company's registered agent, Mark Perlman, at 1820 East  
13 Hallandale Beach Blvd., Hallandale Beach, FL 33009, as this was the information on file with  
14 the Florida Department of State at that time. *See* Doc. #3; *see also* Gile Decl., ¶4. However,  
15 an attempt by Plaintiff's process server to serve the Complaint on GFour Productions LLC at  
16 this address found the address to be closed and appear vacant. *Id.* In addition, at the time of  
17 the filing of the Complaint, Plaintiff named in the summons for Defendant Spotlight Rights  
18 LLC the registered agent, Defendant GFour Productions LLC, at 5200 NW 33rd Ave. Suite  
19 215, Fort Lauderdale, FL 33309, as this was the information on file with the Florida Department  
20 of State at that time. *See* Doc. #3; *see also* Gile Decl., ¶5. However, an attempt by Plaintiff's  
21 process server to serve the complaint on Spotlight Rights LLC at this address found no one  
22 willing to accept the complaint for either of the Defendants. *Id.*

23 Following such unsuccessful efforts, it was discovered that both Defendants recently  
24 changed their registered agent to a new agent – David Marc Harris, 1500 South Ocean Blvd.,  
25 PH7, Boca Raton, FL 33432. Gile Decl., ¶6; *see also* Exhibit B attached hereto. However,  
26 when Plaintiff's process server attempted to serve the named registered agent at this new  
27 designated address (which appears to be a residential address), the process server was told that  
28 Mr. Harris did not live at such address, but that the managing member for one or both of the

1 Defendants does. Gile Decl., ¶7.

2 As reflected by the above, Plaintiff has made reasonable attempts to serve the  
3 complaint, but has been unable to effectuate such service in the time period provided under  
4 Fed. R. Civ. P. 4(m). Plaintiff intends to continue with its diligent efforts to serve the Complaint  
5 on Defendants, including contacting Defendants' previous counsel regarding a possible waiver  
6 of service or acceptance of service on behalf of Defendants.

7 Accordingly, for the reasons set forth above, Plaintiff believes there is sufficient good  
8 cause to extend the time to serve the Complaint and Summonses in this matter and respectfully  
9 requests that the Court issue an order granting Plaintiff' motion and extending the period of  
10 time for Plaintiff to serve the Complaint by an additional 30 days.

11  
12 Dated this 31<sup>st</sup> day of May, 2016.

13  
14 Respectfully Submitted,

15 **WEIDE & MILLER, LTD.**

16  
17 /s/ Ryan Gile  
18 Ryan Gile, Esq.  
19 *rgile@weidemiller.com*  
20 F. Christopher Austin, Esq.  
21 *caustin@weidemiller.com*  
22 7251 W. Lake Mead Blvd., Suite 530  
23 Las Vegas, NV 89128  
24 Tel. (702) 382-4804  
25 Fax (702) 382-4805

26 **ORDER**

27 IT IS SO ORDERED:

28  
UNITED STATES DISTRICT JUDGE

DATED:

# EXHIBIT A

# EXHIBIT A

1 Ryan Gile, Esq.  
Nevada Bar No. 8807  
2 [rgile@weidemiller.com](mailto:rgile@weidemiller.com)  
F. Christopher Austin, Esq.  
3 Nevada Bar No. 6559  
4 [caustin@weidemiller.com](mailto:caustin@weidemiller.com)  
**WEIDE & MILLER, LTD.**  
7251 W. Lake Mead Blvd., Suite 530  
5 Las Vegas, Nevada 89128-8373  
Tel. (702) 382-4804  
6 Fax (702) 382-4805

7 Attorneys for Plaintiff

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF NEVADA**

10 THE HACKETT MILLER COMPANY, INC.,  
11 a Nevada Corporation,

12 Plaintiff,

13 vs.

14 GFOUR PRODUCTIONS, LLC, a Florida  
15 limited liability company; and SPOTLIGHT  
16 RIGHTS, LLC, a Florida limited liability  
company,

17 Defendants.

**Case No.: 2:16-cv-00418**

**DECLARATION OF RYAN GILE IN  
SUPPORT OF PLAINTIFF'S EX-PARTE  
MOTION TO EXTEND TIME FOR  
SERVICE OF COMPLAINT AND  
SUMMONS BY 30 DAYS**

18  
19 I, Ryan Gile, do hereby declare as follows:

20 1. I am an attorney at law admitted to practice before the United States District  
21 Court for the District of Nevada. I am an attorney in the law firm of Weide & Miller, Ltd.  
22 ("Weide Miller"), counsel of record for Plaintiff The Hackett Miller Company, Inc.  
23 ("Plaintiff") in the above-captioned action. I make this declaration in support of Plaintiff's Ex  
24 Parte Motion to Extend Time for Service of Complaint and Summons by 30 Days. Unless  
25 otherwise stated, the facts set forth in this declaration are true and of my own personal  
26 knowledge, and, if called upon to do so, I could and would testify competently to them.

27 ///

28 ///

1           2.       Following the filing of this Complaint, the parties, through counsel, exchanged  
2 correspondence relative to a potential settlement. In addition, subsequent to the filing of this  
3 Complaint, but prior to attempted service, Plaintiff's plans to open the intended theatrical  
4 production which is the subject matter of the Complaint were postponed and it was not certain  
5 until recently whether or not Plaintiff would move forward with the intended theatrical  
6 production and thus whether the declaratory relief sought in the Complaint would be necessary.

7           3.       Following the cessation of settlement efforts and Plaintiff's recent decision to  
8 move forward with the intended theatrical production after all, Plaintiff began taking steps to  
9 serve the complaint on the Defendants so that the threats of infringement raised in the  
10 Complaint as a result of Plaintiff's theatrical production can be resolved by this Court.

11           4.       At the time of the filing of the Complaint, Plaintiff named in the summons for  
12 Defendant GFour Productions LLC the company's registered agent, Mark Perlman, at 1820  
13 East Hallandale Beach Blvd., Hallandale Beach, FL 33009, as this was the information on file  
14 with the Florida Department of State at that time. However, an attempt by Plaintiff's process  
15 server to serve the Complaint on GFour Productions LLC at this address found the address to  
16 be closed and appear vacant.

17           5.       In addition, at the time of the filing of the Complaint, Plaintiff named in the  
18 summons for Defendant Spotlight Rights the registered agent, Defendant GFour Productions  
19 LLC, at 5200 NW 33rd Ave., Suite 215, Fort Lauderdale, FL 33309, as this was the information  
20 on file with the Florida Department of State at that time. However, an attempt by Plaintiff's  
21 process server to serve the complaint on Spotlight Rights LLC at this address found no one  
22 willing to accept the complaint for either of the Defendants.

23           6.       Following such unsuccessful efforts, it was discovered that both Defendants  
24 recently changed their registered agent to a new agent – David Marc Harris, 1500 South Ocean  
25 Blvd., PH7, Boca Raton, FL 33432. Attached as Exhibit B are true and correct copies of the  
26 online information from the Division of Corporation for the Florida Department of State for  
27 Defendants' GFour Productions LLC and Spotlight Rights, LLC.

28       ///





# **EXHIBIT B**

# **EXHIBIT B**

FLORIDA DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS**Detail by Entity Name****Florida Limited Liability Company**

GFOUR PRODUCTIONS, LLC

**Filing Information**

<b>Document Number</b>	L12000026951
<b>FEI/EIN Number</b>	45-4620859
<b>Date Filed</b>	02/24/2012
<b>Effective Date</b>	02/24/2012
<b>State</b>	FL
<b>Status</b>	ACTIVE

**Principal Address**

5200 NW 33RD AVENUE  
SUITE 215  
FORT LAUDERDALE, FL 33309

Changed: 06/05/2012

**Mailing Address**

5200 NW 33RD AVENUE  
SUITE 215  
FORT LAUDERDALE, FL 33309

Changed: 06/05/2012

**Registered Agent Name & Address**

HARRIS, DAVID MARC  
1500 South Ocean Blvd  
PH6  
Boca Raton, FL 33432

Name Changed: 04/05/2016

Address Changed: 04/05/2016

**Authorized Person(s) Detail****Name & Address**

Title MGRM

GREENBLATT, KENNETH  
1500 SOUTH OCEAN BLVD, PH6  
BOCA RATON, FL 33432

Title MGRM

GLIST, ALAN  
3315 FAIRFIELD LANE  
WESTON, FL 33331

Title MGRM

GREENLEAF, SETH  
1512 NE 2nd Avenue  
Ft Lauderdale, FL 33304

### **Annual Reports**

<b>Report Year</b>	<b>Filed Date</b>
2014	03/27/2014
2015	04/20/2015
2016	04/05/2016

### **Document Images**

[04/05/2016 -- ANNUAL REPORT](#)

View image in PDF format

[04/20/2015 -- ANNUAL REPORT](#)

View image in PDF format

[03/27/2014 -- ANNUAL REPORT](#)

View image in PDF format

[03/06/2013 -- ANNUAL REPORT](#)

View image in PDF format

[02/24/2012 -- Florida Limited Liability](#)

View image in PDF format

[Copyright](#) © and [Privacy Policies](#)

State of Florida, Department of State

FLORIDA DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS**Detail by Entity Name****Florida Limited Liability Company**

SPOTLIGHT RIGHTS, LLC

**Filing Information**

<b>Document Number</b>	L14000073290
<b>FEI/EIN Number</b>	46-5659331
<b>Date Filed</b>	05/06/2014
<b>Effective Date</b>	05/05/2014
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	LC AMENDMENT
<b>Event Date Filed</b>	08/25/2014
<b>Event Effective Date</b>	NONE

**Principal Address**

5200 NW 33RD AVE.  
SUITE 215  
FORT LAUDERDALE, FL 33309

**Mailing Address**

5200 NW 33RD AVE.  
SUITE 215  
FORT LAUDERDALE, FL 33309

**Registered Agent Name & Address**

HARRIS, DAVID MARC  
1500 South Ocean Blvd  
PH6  
Boca Raton, FL 33432

Name Changed: 04/05/2016

Address Changed: 04/05/2016

**Authorized Person(s) Detail****Name & Address**

Title AMBR

GFOUR PRODUCTIONS, LLC  
5200 NW 33RD AVE., SUITE 215  
FORT LAUDERDALE, FL 33309

Title MGR

GFOUR PRODUCTIONS, LLC  
5200 NW 33RD AVE., SUITE 215  
FORT LAUDERDALE, FL 33309

### **Annual Reports**

<b>Report Year</b>	<b>Filed Date</b>
2015	04/20/2015
2016	04/05/2016

### **Document Images**

[04/05/2016 -- ANNUAL REPORT](#)

View image in PDF format

[04/20/2015 -- ANNUAL REPORT](#)

View image in PDF format

[08/25/2014 -- LC Amendment](#)

View image in PDF format

[05/06/2014 -- Florida Limited Liability](#)

View image in PDF format

---

[Copyright](#) © and [Privacy Policies](#)

State of Florida, Department of State